IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.65434-M of 2006

DATE OF DECISION:13.11.2006

Manoj & Others .....Petitioners

Versus

State of Haryana .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri P.M. Anand, Advocate
for the petitioners.

Shri M.S.Sindhu, DAG, Haryana.

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Petitioners Manoj, Tarun and Gopal apprehending their arrest in a non-bailable offence in case FIR No. 452 dated 17.6.2006 under Sections 148/149/323/506 IPC registered at Police Station Sadar Gurgaon, have filed this petition under Section 438 Cr.P.C. for anticipatory bail.

This is a second application filed by the petitioners for grant of anticipatory bail. Their first application bearing Crl. Misc. No. 65434-M of 2006 was dismissed as not pressed under the misimpression that the offence under Section 307 IPC had been added by the police qua the petitioners. Subsequently when the counsel for the petitioners came to know that neither any offence under Section 307 IPC has been added by the police nor the petitioners alleged to have caused any injuries, which falls under Section 307 IPC, the instant petition was filed, in which notice of motion was issued.

I have heard counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioners contends that the injuries attributed to the petitioners are simple in nature and the only non-bailable offence against them is under Section 452 IPC.

Counsel for the respondent-State states that the petitioners have already joined the investigation and they are no more required for custodial interrogation.

In view of the above, this petition is disposed of with a direction that in the event of arrest of the petitioners, they shall be released on bail subject to the following conditions:-

i) that the petitioners shall make themselves available for interrogation by a police officer as and when required;

(ii) that the petitioners shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioners shall not leave India without the previous permission of the Court.

November 13, 2006 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**